

## REMARKS

### Priority

Applicant has included a certified copy of the foreign priority application as required by 35 U.S.C. 119(b). Accordingly, Applicant requests that the present Application receive the priority date of the foreign application; 6 December 2002.

### **Claim Objections**

Claims 12 and 20 were objected to for using the phrase "being capable of being permanently crimpable." Applicant has amended the claims to now use the phrase "being permanently crimpable", as suggested by the Examiner. Applicant has also added a comma where the Examiner suggested that there were words were missing and changed the word "have" to "having" to further clarify the claim. Removal of the objections is requested.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 12-15, 18-24, 27-29, 33, and 34 were rejected under 35 U.S.C. § 112 ¶ 2 for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Applicant has amended claim 12 to state that the couplings are sized to be inserted into the female malleable sleeve, rather than receiving the female malleable sleeve.

The Examiner also rejected the claims under 35 U.S.C. § 112 ¶ 2 as being vague and indefinite as to whether the Applicant was claiming the conduit as well. The Applicant is claiming a valve or valve body and not the conduit, which has been recited in the preamble. It is necessary to recite the language of the preamble again in the body of the claim so that the claim elements are recited properly to distinctly claim the valve valve body and also to note the proper spatial relationship and arrangement of the elements of the claimed valve valve body with the conduit. The preamble of the claim sets forth the use of the present invention, i.e. to be used with a conduit, and the body recites the limitations of the present invention, i.e. a valve that can be connected to a conduit, as recited. It is also noted that the recited claim language was agreed upon during a telephonic interview with the previous Examiner. As such, Applicant believes that a clear and distinct scope of claims 12 and 20 is recited, and allowance of claims 12-15, 18-24, 27-29, 33, and 34 is requested. *See* MPEP § 2111.02.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 12-15, 20-23, 27, 33, and 34 were rejected under 35 U.S.C. § 102(b) as being anticipated by Steele, U.S. Pat. No. 4,953,587. Applicant respectfully disagrees. Steele does not teach or discuss couplings that are permanently crimpable. Steele does not even show couplings that are integral with the valve body, as is recited in claims 12 and 20. That is, Steele does not contain all of the limitations that are claimed in the present claims. Steele shows a standard ball valve that requires grooves and O-rings for providing a proper seal (See Col. 2, lines 15-31) and not the crimpable couplings as presently claimed. Steele does not anticipate Claims 12-15, 20-23, 27, 33, and 34 as it does not contain all of the limitations of independent claims 12 and 20.

The Examiner also rejected claims 12, 18-21, 20-23, 27-29, 33, and 34 under 35 U.S.C. § 102(b) as being anticipated by Readman, WO 2000/39495. Readman discloses even fewer limitations of the present claims than Steele. Most importantly, Readman is not a valve, nor a valve body, as recited in the present claims. In fact, the Examiner even states in the present Office Action that Readman does not contain such a valve in the rejections under § 103. As such, there is no possibility of Readman disclosing couplings integrally formed with the valve body, as there is NO valve body in Readman. Readman is only a coupling, and does not suggest or teach otherwise. Accordingly, Readman does not suggest or show all of the limitations of independent claims 12 and 20, and allowance of claims 12-15, 20-23, 27-29, 33, and 34 is respectfully requested.

The Applicant would also like to note that the prior art cited by the Examiner and the characterization of the art by the Examiner is cumulative of the art and reasoning of the prior Examiner. As was discussed with the prior Examiner during a telephonic interview, none of the art put forth suggests the present valve/valve body. The present invention is for a valve/valve body having a one-piece construction. That is, the couplings located on either side of the valve/valve body are formed integrally with valve. This is not explicitly shown or discussed in the prior art, and the prior art does not suggest forming such a valve body. Along with that, the cited prior art does not suggest crimpable couplings and it is improper to read such limitations into the prior art.

### **Claim Rejections – 35 U.S.C. § 103**

Claims 12-15, 18-24, 27-29, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Readman in view of Steele and as being unpatentable over Steele in view of Readman. As stated above, the present invention is patentably distinct from the cited prior art and would not be obvious as a combination of the cited prior art. Steele does not show a valve having

any couplings. Readman does not show or suggest couplings that are integral with a valve body, or are capable of being designed as integral with the valve body. Readman discusses and teaches a coupling having an inner tubular member positioned within a tubular body. Neither of these components includes the pipe, which is a separate and third component. The fluid tight connection in Readman is formed by pressure from an outside fluid being introduced into the void between the tubular member and the tubular body, which would not be necessary if there was any suggesting or teaching that the disclosed couplings of Readman could possibly be formed integrally with a valve body. Readman requires two separate structures (a tubular member and a tubular body) to achieve a fluid tight seal with a pipe whereas the present invention requires only one structure, the female sleeve. Neither Steele nor Readman has the coupling arrangements as claimed, and they do not posit a suggestion of how to alter the Steele prior art valve to arrive at the present invention as specifically claimed. It would not be obvious, nor possible to combine Readman and Steele to arrive at the present invention. In fact, both cited prior art references essentially teach away from the present invention, if the prior art is properly characterized for its intended uses. As stated in previous responses by the Applicant, “[t]he teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure.” MPEP § 2143 (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicant would like to reiterate that the rejections under § 103 are cumulative of those set forth by the previous Examiner. It is not proper to use the applicant's disclosure and use any valve in combination with any coupling to arrive at the present invention. The unique one-piece construction of the present invention has not been taught or suggested in the prior art, alone or in combination. As stated in the previously submitted declaration by Guido Brussa, the present invention has novel features that have not been previously known in the prior art, which has caused the claimed valve/valve body to have great commercial success.

**Conclusion**

Applicant believes that the rejections under 35 U.S.C. §112 have been addressed and requests the removal of the rejections. Further, the prior art does not suggest the presently claimed invention, either alone or in combination, and would not anticipate or obviate the present claims. The art and reasoning put forth by the Examiner are essentially cumulative of the art and reasoning put forth by the previous Examiner, which was overcome by discussing the prior art with the prior Examiner through several telephonic interviews. Accordingly, Applicant respectfully further requests the rejections under §§ 102 and 103 be removed and claims 12-15, 18-24, and claims 27-29, and 33-34 be passed to allowance. If there are further issues to be resolved prior to allowance, Applicant requests that the Examiner contact the undersigned by telephone to discuss such issues.

Respectfully Submitted,

By   
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Enclosures:    Amendment Transmittal  
                    Certified copy of foreign priority document  
                    Return postcard